

Calendar date of 6/9/10

All corrections to notes on this calendar should be filed by 6/2/10. Documents filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **PROBATE**

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000187

CASE NAME: ETHEL JUNE LYNCH
SEE ALSO 2 & 3 & 4

HEARING:
Hearing Re: Objections/Will Contest

COUNSEL:
ROSALIE PERRYMAN (PET)...E JOAN NELMS
ETHEL JUNE LYNCH (DEC)...
JAMES B. CHURCH (SPA)...JAMES B CHURCH & ASSOCIATES
MARJORIE MERCER (MIN)...
CHRISTINA ERICKSON-TAUBE (PET)...SHERRI L KASTILAHN
DEBRA RICHTER (OBJ)...BORDEN LAW OFFICE

COMPANION FILE= CONDS1000033.

Currently under review by legal research.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000187

CASE NAME: ETHEL JUNE LYNCH

SEE ALSO 1 & 3 & 4

HEARING:
Petition for DETERMINING TITLE TO PERSONAL PROPERTY & FOR
INJUNCTION ENJOINING DISTRIBUTION OF PERSONAL PROPE

COUNSEL:

ROSALIE PERRYMAN	(PET)...	E JOAN NELMS
ETHEL JUNE LYNCH	(DEC)...	
JAMES B. CHURCH	(SPA)...	JAMES B CHURCH & ASSOCIATES
MARJORIE MERCER	(MIN)...	
CHRISTINA ERICKSON-TAUBE	(PET)...	SHERRI L KASTILAHN
DEBRA RICHTER	(OBJ)...	BORDEN LAW OFFICE

COMPANION FILE= CONDS1000033.

Currently under review by legal research.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000187

CASE NAME: ETHEL JUNE LYNCH

SEE ALSO 1 & 2 & 4

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

ROSALIE PERRYMAN	(PET)...	E JOAN NELMS
ETHEL JUNE LYNCH	(DEC)...	
JAMES B. CHURCH	(SPA)...	JAMES B CHURCH & ASSOCIATES
MARJORIE MERCER	(MIN)...	
CHRISTINA ERICKSON-TAUBE	(PET)...	SHERRI L KASTILAHN
DEBRA RICHTER	(OBJ)...	BORDEN LAW OFFICE

COMPANION FILE= CONDS1000033.

Currently under review by legal research.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000187

CASE NAME: ETHEL JUNE LYNCH

SEE ALSO 1 & 2 & 3

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

ROSALIE PERRYMAN (PET)...E JOAN NELMS
ETHEL JUNE LYNCH (DEC)...
JAMES B. CHURCH (SPA)...JAMES B CHURCH & ASSOCIATES
MARJORIE MERCER (MIN)...
CHRISTINA ERICKSON-TAUBE (PET)...SHERRI L KASTILAHN
DEBRA RICHTER (OBJ)...BORDEN LAW OFFICE

COMPANION FILE= CONDS1000033.

Currently under review by legal research.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000337

CASE NAME: MTR OF MICHAEL L SNELSON

HEARING:
Spousal Property Petition hearing.

COUNSEL:
LUCINDA ANN SNELSON (PET)...PRO/PER
MICHAEL L SNELSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Spousal property petition hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Surviving spouse seeks determination that decedent's Helendale, CA real property passes to her per decedent's holographic will. Decedent also makes allegations that she contributed to the purchase and maintenance of the house but a community property interest does not appear to be required here (property passes per the will).
2. Need notice of hearing with proof of service.

RECOMMENDATION

RFA subject to note 2. if approved, no future dates need be set.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO DS1000339

CASE NAME: THOMAS WILSON

HEARING:

Hearing re: Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

JULIE WILSON (PET)...JAMES L HEYWOOD
THOMAS WILSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests no bond on basis there are no estate assets – that administration is only for purpose of obtaining a loan modification on real property owned by petitioner/spouse but on which decedent was a borrower.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set accounting review for **8/17/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700567

CASE NAME: KIRK L NIELSEN

HEARING:
Hearing re Final Discharge

	COUNSEL:
KRISTIE NIELSON	(PET)...LAW OFFICES OF RIPLEY & ASSOCI
KIRK L NIELSON	(DEC)...

GENERAL INFORMATION
Continued from 4/28/10.

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final distribution order was entered on 3/22/10.
2. Need receipts.
3. Need submission of Petition for Final Discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700581

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

HEARING:
Accounting Review

COUNSEL:
ART FIGLEY (PET)...SANDY TURNER
IZOLA SUE FIGLEY-BAKER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate was opened in 2007.
2. Probate status report/waiver of account was approved on 7/15/09.
3. Need next probate status report or accounting.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700613

CASE NAME: FRANK EUGENE DURAN SR

SEE ALSO 10

HEARING:

Hearing re Final Discharge

COUNSEL:

FRANK E DURAN JR (PET)...PRO/PER

FRANK EUGENE DURAN SR (DEC)...

GENERAL INFORMATION

On 9/3/09, matter was continued from **3/17/10** to 3/24/10 because of furlough date. Continued from **3/24/10**-- no appearance. Court ordered self-represented executor to appear at next hearing. Clerk mailed copy of minute order.

At 5/5/10 hearing re final discharge, no appearance and the court set an OSC re sanctions and ordered administrator to appear at the next hearing. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON

- 1) Hearing re final discharge
- 2) OSC re sanctions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. First and final account was approved on 3/11/09. Judgment thereon was entered on 10/5/09.
2. Need receipts.
3. Need petition for final discharge.
4. OSC re sanctions set at 5/5/10 hearing.

RECOMMENDATION

Court's discretion.

(abs/smj/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700613

CASE NAME: FRANK EUGENE DURAN SR

SEE ALSO 9

HEARING:

Hearing Re: OSC RE:SANCTIONS FOR FAILURE TO APPEAR/FILE FINAL

COUNSEL:

FRANK E DURAN JR (PET)...PRO/PER
FRANK EUGENE DURAN SR (DEC)...

See prior page.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0700907

CASE NAME: FLORENCE E. GRIFFIN

HEARING:

FIRST AND FINAL Account and Report of VIRGINIA D LAPRISE and
Petition for allowance of fees filed.

COUNSEL:

VIRGINIA D LAPRISE (PET)...JO ANN MCDOLE
FLORENCE E GRIFFIN (DEC)...

GENERAL INFORMATION

Continued from 12-15-09, 1/26/10, 3/16/10, 4/28/10.

THIS CASE IS SET FOR HEARING ON First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 10/29/07, no bond.
2. Representative and atty waive compensation.
3. Need bank statement covering end of accounting period and matching schedule of assets on hand. **Supp: Submitted bank statements do not match schedule of assets on hand. Need to reconcile account balances or file amended accounting.**
4. Disbursements at Schedule C raise the following concerns (need verified supplement addressing):
 - a. During administration, representative paid a total of almost \$48,000 for monthly board and care expenses for decedent's daughter who has Down's Syndrome. The will creates a testamentary trust but there is no apparent court order identifying the trustee, funding the trust, etc. such that payment of trust benefits prior to distribution to the trust at the end of estate administration would be improper. **Supplement does not appear to address note. However, it is stated that the final install payment of \$486.52 from Note World to decedent's estate will be due in March 2010. Thus petitioner asserts that the decedent's estate will be**

exhausted in about 5 months and the issues raised herein will be moot. Does Court wish to set OSC re: Sanctions and Surcharge? JTD.

- b. Representative paid \$105 for hair care for decedent's daughter during administration. Need verified supplement addressing how this benefits estate. **Supp: Appears to be improper expense that does not benefit estate. JTD.**
- 5. Losses at Schedule D raise the following concerns (need verified supplement addressing):
 - a. The list of transactions all appear to be more disbursements that should be on Schedule C and not any "losses." **Supp: The expenditures were treated as losses because they were made by Ms. LaPrise prior to her appointment.**
 - b. Payments for conservatorship filing fees, conservatorship handbook, etc. totaling \$340. These fees are almost a year after decedent's death. Question who was petitioning for conservatorship, why these fees were paid out of the estate, and how it benefited the estate. **Supp: Virginia LaPrise petitioned to be Shirley's conservator. The conservatorship was for Shirley's benefit and was paid for out of decedent's estate, as decedent directed.**
 - c. More residential care facility charges for care of decedent's daughter are listed here totaling over \$5,000 (in addition to \$48,000 in note above). **Supp: See 5(a) above.**

RECOMMENDATION

Need to clear notes. If approved, set hearing re receipts and final discharge for **6/15/11**.

(abs/vet/vet/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701015

CASE NAME: LINDA LOUISE MCLEMORE

HEARING:

FIRST AND FINAL Account and Report of KRISTINA D KIRBY and
Petition for allowance of fees filed.

COUNSEL:

KRISTINA D KIRBY (PET)...PRO/PER
LINDA LOUISE MCLEMORE (DEC)...

GENERAL INFORMATION

Continued from 5/5/10. Petitioner still working on clearing notes, states she has no info re trustee's sale. Court ordered to file supplement re sale of the property.

THIS CASE SET FOR HEARING ON Petition for Final Account, Distribution and Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives statutory compensation.
2. Petitioner indicates that the only assets was the real property and was foreclosed upon and sold at trustee's sale on 04/22/09. Any proceeds were forwarded to First American Loanstar Trustee Services. **Need supplement per court's 5/5/10 requirement noted above.**

RECOMMENDATION

RFA subject to note 1. if approved, set hearing re receipts and final discharge for **6/15/11**.

(cbr/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0701137

CASE NAME: LUIS RAYMUNDO CONTRERAS

HEARING:

first Account and Report of BLANCA E CONTRERAS and Petition for allowance of fees filed.

COUNSEL:

BLANCA E CONTRERAS (PET)...PRO/PER
LUIS RAYMUNDO CONTRERAS (DEC)...

GENERAL INFORMATION:

Continued from **12/14/09** and **3/29/10** at request of administrator.

Continued from 5/5/10. Petitioner to file notice and supplement ret he steps taken to protect the real property from foreclosure and whether there were any proceeds from sale.

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner has filed another "First Account and Report". Court may wish to deem this an Amended First Account.
2. All heirs waive an accounting.
3. Petitioner proposes distribution in equal shares to decedent's parents per intestate succession. However, petitioner attaches an Abstract Translation of Notarized Letter Rejecting Inheritance with copies of the notarized letters in the Spanish language. Thus, it appears that decedent's mother should receive 100% of the estate. Need corrected proposed distribution.
4. Petitioner alleges that it was determined to be in the best interest of the estate that the heir, Flora Villanueva, mother of decedent, purchase decedent's investment shares for \$8,692.92.
 - a. As Flora Villanueva is the sole heir (see note 3) question how it was a benefit for the shares to be sold to herself at a potential loss of \$2,047.16 to the estate, as the shares need not be sold and could potentially be increasing in value. Need verified supplement.

5. On 10/30/09 Court granted petitioner a fee waiver. As there appears to be sufficient assets in the estate, Court may wish to revisit the Order on Fee Waiver.
6. Petitioner alleges that the real property was lost through foreclosure. As petitioner was appointed administrator on 3/18/08 and the sale of the property took place on 8/14/09, question what efforts were made to protect the estate's assets. Need verified supplement.
7. Petitioner waives compensation.
8. Need notice of hearing and proof of service.
9. No proposed order submitted. Need same.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **6/15/11**.

(kra/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800037

CASE NAME: TIMOTHY PETER DEIRO

HEARING:

FIRST AND FINAL Account and Report of MELISSA OBBEMA and
Petition for allowance of fees filed.

COUNSEL:

MELISSA OBBEMA (PET)...JAMES BRUCE MINTON
TIMOTHY PETER DEIRO (DEC)...
ANGELA ABRUSCATO (TP)...
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 3/10/10, 04/14/10, 5/12/10. On 5/12/10 counsel stated that a petition to terminate administration would be filed as there are no assets. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. **Counsel has stated that a petition to terminate will be filed. Need same. Prior notes are left in place below for informational purposes.**
2. Petitioner requests reimbursement of \$1,331.41 for costs advanced in the administration of the estate. Itemized.
3. Petitioner alleges that she will advance the closing costs which are approximately \$150.00.
4. Petitioner and attorney request statutory fees of \$60.00. ok
5. Petitioner alleges that the decedent's real property was held in joint tenancy with Angela Abruscato and that the only assets in the estate consist of personal property valued at \$1,500.00. Petitioner further alleges that she has not taken possession of these items and believes that they are in the possession of Angela Abruscato. **Supp: Petitioner alleges that counsel and Ms. Abruscato conversed outside of Dept. 33 and Ms. Abruscato stated that**

the personal property was liquidated at a yard sale. Counsel is awaiting a declaration as such. Petitioner further states that if no personal property exists that petitioner is requesting this matter be closed. Question if petitioner is requesting to issue citation per Pr. C. § 8870 (a)(1) to recovery the property?

- a. Assets on hand include 2 vehicles, one used for parts and the other is described as a personal vehicle. However, these items are not listed on the I&A. Need a corrected I&A
 - b. I&A lists tools for working on cars and house, which are not listed on the schedule of assets on hand. Question where these items are. Need verified supplement.
 - c. Petitioner agrees to pay the attorney's statutory fees and take possession of the personal property in lieu of reimbursement and payment of fees.
6. 3 Creditor claims have been filed. 2 were allowed and 1 was rejected as untimely. After payment of costs and fees petitioner alleges that there will be no assets remaining and requests that the court dismiss the claims or deem them resolved upon closing of this probate. JTD

RECOMMENDATION

Inquire re petition to terminate. If proceeding, need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **6/15/11**.

(kra/smj/cbr/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0800561

CASE NAME: CARMEN MARIE STINNETT

HEARING:

Hearing Re: OSC RE:SANCTIONS-FAILURE TO APPEAR/FILE ACCTG

COUNSEL:

REAL WILLIAMS (PET)...MCCLELLAN & WILSON
CARMEN MARIE STINNETT (DEC)...
JEFFERY WILLIAMS (TP)...PRO/PER

GENERAL INFORMATION

Continued from 11/10/09, 1/25/09 and 3/3/10, at request of counsel.

Continued from 5/5/10. No appearance. Court ordered atty Wilson and client Real Wilson to appear at next hearing. OSC re sanctions set. Clerk mailed notice.

THIS CASE SET FOR HEARING ON

OSC re sanctions/failure to appear (re underlying Accounting Review)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Letters Testamentary issued 09/04/08, full authority no bond.
2. **Final I & A filed on 2/4/09, but section 5 incomplete. Need supplemental Final I&A.**
3. **Need proof of service of I&A on Jeffrey Williams who requested special notice on 9/8/08.**
4. Need accounting or probate status report.

RECOMMENDATION

Court's discretion.

(cbr/abs/smj/kra)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900015

CASE NAME: FERNE L. ADAMS

HEARING:
Accounting Review

	COUNSEL:
DEBORAH K DONIS	(PET)...E JOAN NELMS
FERNE L ADAMS	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of testamentary issued on 4/1/09, no bond.
2. No accounting or status report of administration filed. Need same.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900086

CASE NAME: MTR HELEN RUNYON

HEARING:

FIRST AND FINAL Account and Report of JOHN WELCH and Petition
for allowance of fees filed.

COUNSEL:

JOHN WELCH	(PET)...	DIANA J CARLONI
HELEN RUNYON	(DEC)...	
PAT S GUMZ	(PET)...	ZUMBRUNN LAW CORPORATION
DONNASUE SMITH ORTIZ	(PET)...	PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account of special administrator and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of special administration issued on 2/9/09. Letters of general administration issued to a different party (independent administrator Donnasue Smith-Ortiz) on 1/13/10.
2. Petitioner does not request compensation and instead states that an allocation of statutory fees will be requested at close of administration. However, petitioner requests acceptance of his creditor's claims "in principal" for same pending final accounting and distribution of estate. There is no basis for doing so as statutory fee allocation cannot be addressed until final accounting.
3. Petitioner requests acceptance of his \$4,622.50 creditor's claim for trial and funeral costs. Creditor's claim procedure is separate from accounting procedure and is subject to review and approval of court/general administrator per that procedure.
4. Petitioner apparently does not account for a period until distribution of the estate to the general administrator as the accounting ends with assets on

hand. Moreover, there is no proposed distribution presented. Need accounting covering entire period of holding estate funds.

5. Petitioner states that bond lapsed in 2/10 and has not been renewed. Petitioner has an obligation to maintain current bond until discharged. Suggest court address and require current bond forthwith.

RECOMMENDATION

Need to clear notes.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900101

CASE NAME: ALBERTA ROOKER

HEARING:

FIRST AND FINAL Account and Report of WILMA WHITE and Petition
for allowance of fees filed.

COUNSEL:

WILMA WHITE (PET)...MARK BIDWELL
ALBERTA ROOKER (DEC)...

GENERAL INFORMATION

Continued from 5/5/10.

THIS CASE IS SET FOR HEARING ON Petition for Settlement of Final Account, Fees
and Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Partial #1 I&A filed on 2/2/10 lists only one asset: real property located at 11410 Dolan Avenue #322, Downey, CA, valued at \$150,000 as of date of death.
 - a. Need APN # and legal description of the real property;
 - b. Need property tax certificate;
 - c. Petition states there was \$3.75 received from WaMu account, and decedent's personal property is of no or minimal value. Does court wish to require petitioner to file a corrected final I&A to include these items?
2. Need copies of account statements verifying cash on hand, per Local Rule 20-908.
3. Need copy of escrow closing statement, per Local Rule 20-910.
4. Petitioner requests reimbursement of costs advanced to the estate in the amount of \$12,373.09. Itemized. JTD
5. Petitioner alleges that decedent made a written promise to pay petitioner and Keith Gordon \$80,000, plus, as of Jan. 1, 2008, an additional \$800 a month if her Downey home had not sold.
 - a. The writing is attached to an *unverified* supplement to the petition. Need verification with copy of writing attached.

- b. Petitioner requests she be reimbursed from the estate assets for this "loan." Question whether a creditor's claim was filed against the estate, and if not, whether time has expired to file same and to request court approval. Please file verified supplement with points and authorities.
- 6. Petitioner made several preliminary distributions to both intestate and *non-heirs* totaling \$36,000.00 (\$24,000 of which was made to non-heirs) without court approval.
- 7. Petitioner states that because she had "loaned" the decedent \$80,000 and advanced costs on behalf of the estate, she believed she was entitled to receive the money from the estate and now makes a claim for reimbursement. Petitioner proposes to reduce her claim by \$36,000. However, it would appear that the claim is barred (see note 4).
- 8. Petitioner is entitled to 1/3 of the estate or approximately \$13,500. If the petitioner were to hold this sum against her share of the estate, she will owe the estate approximately \$10,000. Court may wish to set surcharge hearing. Clerk to notice bond company. JTD
- 9. Petitioner lists the heirs at law, but does not give a proposed distribution. Need verified supplement.
- 10. Petitioner does not request statutory fees.
- 11. Atty. requests statutory fees in the sum of \$4,450.11. Calculated.
- 12. Need notice to Franchise Tax Board per Pr. C., §9202(c)(1).

RECOMMENDATION

Need to clear notes. If approved, set hearing on receipts and final discharge for **6/15/11**.

(smj/kra/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900157

CASE NAME: NORMA J. SHAW

HEARING:
FIRST AND FINAL Account and Report of GEORGE SHAW and Petition
for allowance of fees filed.

COUNSEL:
GEORGE SHAW (PET)...DAVID & TURNER
NORMA JEAN SHAW (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

6. Letters testamentary issued on 3/4/09.
7. Petitioner is sole beneficiary and waives accounting.
8. Atty requests \$4,092.05 statutory fees. Calculated.
9. Need proof of notice to Franchise Tax Board per Pr.C. 9202(c).
10. Did decedent's predeceased spouse receive MediCal benefits? Need
verified supplement.

RECOMMENDATION

RFA subject to notes 4 and 5. if approved, set hearing re receipts and final discharge for
6/15/11.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: PRO PS0900908

CASE NAME: FULKERSON FAMILY TRUST

HEARING:
Hearing Re: Status

COUNSEL:
JAMES C. FULKERSON (PET)...GREGORY T ANNIGIAN
FULKERSON FAMILY TRUST (TRU)...
ROBERT EDWARD FULKERSON (PET)...BANKS GARCIA & JANIS
JEANNINE P SMIDERLE (PET)...BANKS GARCIA & JANIS

No notes - status.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS002553

CASE NAME: ESTATE OF JOSEPH CRINEL JACKSON

HEARING:

FINAL Account and Report of RUBY COUISIN and Petition for allowance of fees
filed.

COUNSEL:

RUBY COUISIN (PET)...PRO/PER
JOSEPH CRINEL JACKSON (DEC)...
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION

Continued from **9/02/09, 11/4/09, 1/6/10, and 2/24/10** at request of petitioner.

Continued from **2/24/10** for petitioner to seek legal counsel.

Continued from 5/12/10. Court stated petitioner may need to seek legal advice.

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Petitioner alleges she is the sole heir due to assignment by other heir.
- 2 This is petitioner's final report with no accounting attached. Court may wish to inquire whether petitioner is waiving an accounting as sole heir and/or whether a written waiver of accounting will be filed. JTD
- 3 Petitioner does not request statutory compensation.
- 4 Petitioner was previously represented by Attorney Robert Waddell who was relieved by court order on 4/10/06. Petitioner was subsequently represented by JoAnne Mc Dole who was subsequently relieved on 3/26/08. Petitioner alleges Attorney Waddell is owed fees but petitioner does not address whether Attorney Mc Dole is owed fees. Need verified supplement to clarify.
- 5 Petitioner requests authority pay to Attorney Robert A. Waddell fees in the amount of \$3,400.00 and costs of \$929.70 for prior Attorney Robert A. Waddell (not itemized). However, Attorney Robert A. Waddell is not joined in the petitioner's request for said fees and has not verified petition in support of the requested fees of \$4,329.70 as required by Local Rule 20-903. File verified supplement.

- 6 Petitioner requests that any sums due and owing to the bonding company be distributed from the net proceeds of the foreclosure.
- 7 Petition is not verified as required by Pr.C. § 1021. Need same.
- 8 Need to file notice of hearing and proof of service to Bond Services of California, Inc., Attorney Robert A. Waddell and Attorney JoAnne Mc Dole.

RECOMMENDATION:

Need to clear notes 4-8. If approved, set hearing on the filing of receipts and final discharge for **6/15/11**.

(vet/abs/smj/abs/gls/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS003055

CASE NAME: ESTATE OF IRMA L BONNER

HEARING:
Hearing Re: FIRST STATUS REPORT

COUNSEL:
EMORI ELENE BROWN (PET)...JO ANN MCDOLE
IRMA L BONNER (DEC)...

GENERAL INFORMATION

Continued from 5/27/09 at request of counsel.

Continued from 07-01-09 due to non-appearance. Notice given by clerk.

Continued from 09-02-09, 12/2/09, 2/10/10, 4/28/10.

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of special administration issued 05-08-06, no bond.
2. No accounting and/or updated status report is filed

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT/hte/vet/vet/abs

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 9:00 DEPT: S33P

CASE#: VPR VS003243

CASE NAME: ESTATE OF LUCILLE G CASS

HEARING:
Hearing re Final Discharge

COUNSEL:
MARY ANN BARNARD (PET)...JO ANN MCDOLE
LUCILLE G CASS (DEC)...
ROBERT CASS (RES)...
MERLO CASS ()...

GENERAL INFORMATION:

Continued from 08-05-09, 9/30/09, 12/9/09, 2/10/10, 4/28/10.

THIS CASE IS SET FOR HEARING ON: Receipts and Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order on Petition for Final Distribution, Waiver of Accounting and Allowance of Compensation issued on 7/30/09.
2. Need receipts of distribution.
3. Need ex parte petition/order for final distribution.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(smj/vet/abs/abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON DS1000101

CASE NAME: JORGE FABIAN CASTILLO

HEARING:
Petition for Appointment of Conservator

COUNSEL:

JORGE CASTILLO (CP)...PRO/PER
ROSALVA HERRERA (CP)...PRO/PER
JORGE FABIAN CASTILLO (CTP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for limited conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. Petitioner requests medical powers. Medical capacity declaration filed.
3. Petitioner requests listed limited conservatorship powers (yellow tab in file).
4. Petitioner requests waiver of Assessment Fee based upon financial hardship.
5. Need return of citation and appearance of proposed conservatee or basis for nonappearance.
6. Need CI report.
7. Need IRC report.
8. Need appointment of counsel and report of same.

RECOMMENDATION

Need to clear notes. If approved, set hearing for filing of proof of recordation of letters and proof of service of order appointing Conservator for **1/12/11**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800059

CASE NAME: In re Matter of Jean Elizabeth Mann

HEARING:
First Account and Petition for Fees

COUNSEL:
WILLIAM C MANN JR (PCR)...MILES & HATCHER
JEAN MANN (PCE)...SANDY L. TURNER

GENERAL INFORMATION

Continued from **12/23/09** at request of counsel to clear notes.
Continued from **2/10/10** to file amended accounting and notice to be filed by 3/7/10.
Continued from **4/7/10** for review of amended accounting.
Continued from 5/12/10.

THIS CASE IS SET FOR HEARING ON Amended First conservatorship accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate was granted on 7/2/08, no bond.
2. Accounting period 7/2/08 to 7/2/09 (one year).
3. Petitioner waives compensation.
4. Atty has been paid directly by conservator and does not seek fees here.
5. Need all bank statements for all accounts from period prior to appointment until ending of accounting period per Pr.C. 2620(c)(2).

RECOMMENDATION

RFA subject to note 5. If approved, set next accounting review for **9/8/10** for accounting period 7/3/09 to 7/2/10 (if one year) or **7/6/11** for accounting period 7/3/09 to 7/2/11 (if two years).

(abs/kra/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800198

CASE NAME: ROSEMARY ESCOBEDO

HEARING:

Petition for **EX PARTE**INSTRUCTIONS RE:INVESTMENT OF FUNDS

	COUNSEL:
CHRISTINA ERICKSON-TAUBE	(CPE)...SHERRI L KASTILAHN
ROSEMARY ESCOBEDO	(CEP)...
MELODIE Z SCOTT	(TP)...PRO/PER

No notes – ex parte hearing.

(Continued from 5/12/10 – counsel to file declaration re unspecified questions by court .)

FUTURE HEARINGS:

11/18/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800265

CASE NAME: MARISA NICOLE SILVA

SEE ALSO 24

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MICHAEL AMTHONY SILVA

COUNSEL:

MICHAEL AMTHONY SILVA (CPE)...ANTONIO MUNOZ
MARISA NICOLE SILVA (CEP)...MITCHELL I ROTH

GENERAL INFORMATION

Continued from 3/24/10. Court ordered that no transfer of property shall take place without prior court approval.

THIS CASE IS SET FOR HEARING ON Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate was granted on 1/7/09, no bond.
2. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
3. Final I&A filed. However, it is not signed by the Probate Referee and there are items requiring appraisal. Need correction.
4. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
5. Conservatorship estate holds interest in real property. Need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.
6. Need accounting.
7. Care plan filed.
8. CI six month report filed.

RECOMMENDATION

Court's discretion.
(abs/kra/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0800265

CASE NAME: MARISA NICOLE SILVA

SEE ALSO 23

HEARING:
Accounting Review

COUNSEL:
MICHAEL AMTHONY SILVA (CPE)...ANTONIO MUNOZ
MARISA NICOLE SILVA (CEP)...MITCHELL I ROTH

See prior page.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: CON PS0900225

CASE NAME: EMMA CHEEKS

HEARING:
Petition for Appointment of Conservator

COUNSEL:
SYLVIA DARLENE CALLENDER-LEWIS(CPE)...EDWARD B FISCHER
EMMA CHEEKS (CTE)...SANDRA L TURNER
KAREN EVINS (CPE)...HOLCOMB & HOWE

GENERAL INFORMATION

Continued from **1/11/10**. Court revoked power of attorney for healthcare and finances.
Visitation agreement reached.
Continued from **2/24/10**. Case reassigned to Dept. S33.
Continued from 4/28/10.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond waived as a small estate per Pr.C.§2628. Estimated estate value is \$12,000 in annual public benefits.
2. Petitioner seeks medical and dementia powers (meds and placement). **Medical Capacity declaration with dementia attachment filed. However, dementia attachment is completed only as to meds. Cannot grant placement powers (locked facility) based upon this attachment. Need correction or limitation of powers granted.**
3. The last page of the petition is not 7 of 7, but rather page 6 of an outdated form. However, no information is missing. Also, petitioner filed an out-dated Confidential Screening form. Does Court wish to require complete updated forms? JTD
4. Return of citation filed.
5. Court Investigator report filed.
6. Court may wish to review confidential screening form.
7. Certificate of Completion of Conservatorship Education Course has been filed.

8. Objection filed by granddaughter, Karin Evans, who subsequently filed a competing petition. That petition has been dismissed. **Court to review Stipulation and order submitted.**

RECOMMENDATION

Need to clear notes.

If approved, set hearing for Compliance Review for **1/127/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313. Also set hearing re Accounting Review for **8/17/11**. Any accounting to be filed 30 days in advance.

(kra/abs/smj/kra/abs/cbr/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00199

CASE NAME: MTR OF MATTHEW VOGT

HEARING:
Accounting Review

	COUNSEL:
MARIA VOGT	(PET)...PRO/PER
JOHN F VOGT	(PET)...PRO/PER
MATTHEW VOGT	(PCE)...

GENERAL INFORMATION

Continued from 4/7/10. No appearance. Ex parte petition for order approving waiver of accounting had just been returned for correction. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Previous ex parte petition to dispense with accounting (small estate) was approved on 4/10/10.
2. Need accounting or next petition to dispense with same.
3. **Ex-parte petition and order approving waiver of account returned for correction.**

RECOMMENDATION

Court's discretion.

(abs/kra/abs)

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/09/10 TIME: 10:30 DEPT: S33P

CASE#: VC VS00448

CASE NAME: MATTER OF MELISSA ANN MCGARITY
SEE ALSO PAGE 31 IN S34P AT 10:30AM.

HEARING:

Hearing Re: Report of Court Appointed Counsel

COUNSEL:

DIANE RAE GIEBELSTEIN	(CPE)...	STANLEY W HODGE
MELISSA ANN MCGARITY	(CEP)...	SANDRA L TURNER
MICHELLE DUNTON	(CP)...	HODGE & BARTOUMIAN
ANDREW MCGARITY	(CP)...	HODGE & BARTOUMIAN

GENERAL INFORMATION

Continued from 4/28/10. CI report provided to court. Oral report given by appointed counsel Sandra Turner, including residence info. Court suggested that mater be discussed with atty Stanley Hodge (not present) re filing of substitution of atty. Court directed CI to interview family members, including mother, r proposed move of conservatee to live with father. Court also set OSC re removal of mother as co-conservator. Conservatee to remain at current residence pending next hearing. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON

Hearing re court appointed counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 3/22/10 the court appointed atty Sandra Turner as counsel for conservatee, apparently based upon CI report in file. Clerk mailed notice. New report of appointed counsel filed 5/5/10.
2. Need new CI report per court's 4/28/10 referral.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **MISC.**

DATE: 06/09/10 TIME: 1:30 DEPT: S33P

CASE#: PRO PS0900483

CASE NAME: MTR OF RAYMOND GAYNOR

OUT FOR READINESS ON 06/03/10.

HEARING:
Court Trial set for PETITION FOR PROBATE of IRENE OWENS

	COUNSEL:
IRENE OWENS	(PET)...SUZANNE M GRAVES
RAYMOND GAYNOR	(DEC)...
DARLENE GAYNOR	(OBJ)...CURTIS R AIJALA

No file available for review.

No notes – trial.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000008

CASE NAME: TAMRA MCMURRAY

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

GILBERT A ALBA
TAMRA MCMURRAY

(PET)...LENITA A SKORETZ
(DEC)...

GENERAL INFORMATION

Continued from **2/10/10**, for original proof of publication to be filed.

Continued from **3/24/10**. Need declinations/nominations.

Continued from 4/28/10.

THIS CASE IS SET FOR HEARING ON

Petition for administration, by former spouse of decedent, full IAEA, no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner alleges decedent was murdered by her spouse, who then set fire to the house and took his own life. Petitioner was appointed special administrator on 3/4/10, to proceed with wrongful death action in a timely manner.
2. Decedent is survived by three natural children (two adult children and one 15-yr.-old son who lives with the petitioner) and one step-daughter. Need guardianship of estate or GAL for minor.
3. Petitioner is decedent's ex- spouse and father of decedent's three natural children. Children have priority and have been given notice. Does court wish to require nominations/declinations from children?
4. Petitioner requests no bond be required as the only asset is the real property, which, because of the fire, has an approximate value of only \$10,000. However, minimum bond is \$20,000. JTD.
5. Need notice to step-daughter Amy Moracko, or due diligence declaration re: inability to locate.

RECOMMENDATION

Need to clear notes. Court's discretion re bond. If approved, need to set hearing for accounting review on 8/17/11. Accounting must be filed 30 days in advance. Note requirements of Local Rule 20-908.

(smj/cbr/abs)

Superior Court of Calif, County of San Bernardino

Page: 2

CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000152

CASE NAME: STANLEY GENE WATKINS

HEARING:

Spousal Property Petition hearing.

COUNSEL:

INGRID M. WATKINS (PET)...PRO/PER

STANLEY GENE WATKINS (DEC)...

GENERAL INFORMATION

Continued from 4/14/10. Court suggested that petitioner retain legal assistance.

THIS CASE IS SET FOR HEARING ON

Spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is surviving spouse who alleges that decedent died intestate.
2. Petitioner seeks determination that decedent's half interest in the subject real property pass to her and that her other one-half community interest be confirmed to her.
3. Petitioner indicates that decedent left one issue (Kelly Watkins). Kelly Watkins therefore is an intestate heir who would take a portion of this property unless the court deems the property to be community and allows petitioner to take the entire property. (see below). Assignment of interest in estate (to petitioner) signed by Kelly Watkins.
4. Petitioner alleges that the subject real property was taken in decedent's name only for financing purposes but that it was purchased with community funds. Decedent alleges that she and decedent were married in 2003 and the property was purchased in 2006 and taken in decedent's name for credit reasons. Copy of deed provided but it is only an Interspousal Transfer Grant Deed from petitioner to decedent and not the deed by which decedent took the property. . Court would first need to determine community nature of property then proceeds with the petition. JTD.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

Abs/gls/abs

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000160

CASE NAME: MTR OF GUILLERMO RODRIGUEZ

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

BERTHA RODRIGUEZ (PET)...PRO/PER
GULLERMO RODRIGUEZ (DEC)...

GENERAL INFORMATION

Continued from 4/14/10. Petitioner directed to appear at next hearing with an interpreter.

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Fee waiver entered by clerk but petition shows that estate contains \$130,000 property. Does court wish to revisit order?**
2. Need Notice of Petition to Administer with proof of service.
3. Petitioner requests no bond on basis will waives bond. However, petition is for letters of administration and no will is offered. Suggest 4130,000 bond based upon estate value of same.
4. Petitioner answered all portions of section 5 in the negative (re family) and therefore needed to complete section 6 re next of kin but failed to do so. Need verified supplement.

RECOMMENDATION

Need to clear notes. If approved, \$130,000 bond. Set accounting review for **8/17/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

abs

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000218

CASE NAME: GORDON JONES FAMILY TRUST AGREEMENT

HEARING:

Petition for TO COMPEL SALE; DISTRIBUTION PUSUANT TO TERMS OF
AGREEMENT; CCOUNTING; DAMAGES; ETC

COUNSEL:

KAREN L TURNER (PET)...JAY OBERHOLTZER
GORDON JONES FAMILY TRUST AGRE(STRU)...
ANNETTE JONES (RES)...GARY A FOLTZ

GENERAL INFORMATION

Continued from 5/5/10.

THIS CASE IS SET FOR HEARING ON Petition to compel sale and compel distribution
per terms of agreement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that trustor executed a trust in 2003 and died in 2009, rendering the trust irrevocable. Petitioner adds that Annette Jones, trustor's surviving spouse, is the successor trustee per perms of the trust instrument.
2. Petitioner alleges that respondent successor trustee has wrongfully taken a life estate in the trust real property and has failed to make required distributions under the trust.
3. Petitioner seeks an order requiring sale of trustor's 50% interest in the real property; distribution per the trust; damages for rental value from successor trustee; and for an accounting, atty fees, surcharge, double damages.
4. **Opposition filed by trustee, Annette Jones.**

RECOMMENDATION

Set for contested hearing.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000318

CASE NAME: TRUST OF VIVIAN H. KING

HEARING:

Petition for TO APPOINT STEPHANIE A. GLASSEY ALTERNATE SUCC
TRUSTEE TO THE VIVIAN H. KING 1995 REV TRUST

COUNSEL:

STEPHANIE GLASSEY (PET)...WIL R MULLINS
TRUST OF VIVIAN H. KING (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to appoint alternate successor trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that trustor/decedent formed a trust in 1995, that decedent died in 2001, that a Mark King was named successor trustee and acted as such, but that Mark King died in 2009. The trust instrument (Exhibit C) does not name a successor after King. However, decedent's will (Exhibit B) named King as executor and petitioner alter alternate executor.
2. Petitioner (a beneficiary of the trust) seeks appointment as next successor trustee of the trust.
3. Petitioner does not list all beneficiaries people entitled to notice. Need verified supplement.
4. Petitioner is not verified. Need same.
5. Petitioner does not indicate a statutory basis for relief. Presumably, petitioner is proceeding pursuant to Pr.C. 17200 but clarification is necessary re proper notice, etc. Need verified supplement.
6. Need notice of hearing with proof of service.

RECOMMENDATION

Need to clear notes then court's discretion. If approved, no future dates need be set.
(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000319

CASE NAME: HERMAN OSCAR OVIND

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

SUSAN J. HILTON (PET)...GREGORY L ZUMBRUNN
HERMAN OSCAR OVIND (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both heirs waive bond.

RECOMMENDATION

RFA, no bond. If approved, set accounting review for **8/17/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000330

CASE NAME: RAYMOND McKLINE

HEARING:
Petition to determine succession to Real Property

COUNSEL:
RAYE JUNE MCKLINE-ROBISON (PET)...GREGORY L ZUMBRUNN
RAYMOND MCKLINE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
11. Petitioner (daughter) seeks succession of decedent's real property per will
establishing her as sole beneficiary.
12. I&A filed indicating \$88,000 real property value.

RECOMMENDATION
RFA. If approved, no future dates need be set.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000334

CASE NAME: KOOPMAN FAMILY TRUST

HEARING:
Petition for CONFIRMING TRUST ASSETS

COUNSEL:
KOOPMAN FAMILY TRUST (TRU)...
GENE THEODORE KOOPMAN (TEE)...RICHARD G ANDERSON
HENRY GEORGE KOOPMAN (RICHARD G ANDERSON)...RICHARD G

GENERAL INFORMATION

Reassigned to Dept. S33 on 5/14/10.

THIS CASE IS SET FOR HEARING ON
Petition to confirm trust assets.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Co-petitioners are the co-trustees of the subject trust.
2. Petitioners allege that co-trustors formed a family trust in 1986, that the husband trustor died in 1987, that the wife trustor died in 1993, that before the trustors died they were in the process of transferring all assets into the trust, and that all assets were transferred except the property that is the subject of this petition.
3. Petitioner requests that all assets listed in Exhibit B (an accountant's Compilation report listing cash, dairy herd, farm equipment, total over \$13.1 million) be determined to be trust assets. It is unclear which assets are already titled as trust assets and which would be changed by this petition. It is also unclear which entities hold title to which assets. Note that the prayer to the petition requests that all assets listed in "Exhibit 2" (presumably, Exhibit B) be determined to be trust assets while the Proposed order thereon would specify that Wells Fargo shares of stock would be the subject of this petition (and such stock is not listed in Exhibit B to the petition). Need verified supplement specifying which assets are the subject of this petition and who holds title/possession to each of same.

4. Petitioner lists the beneficiaries of the trust but does not appear to list (or notice) other persons who hold title or possession to the subject assets or who would otherwise be interested parties to this petition. Need verified supplement and proper notice.
5. Petitioner does not specify which portion of the trust instrument provides an indication that trustors intended for the subject assets to be trust assets. There is no traditional Attachment A to the trust listing trust assets. Need verified supplement.

RECOMMENDATION

Need to clear notes.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000340

CASE NAME: MTR OF MARGUERITE LUCY AVAKIAN AKA MATEVOSIAN

SEE ALSO COMPANION FILE ON FOLLOWING PAGE.

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

NATHALIE AVAKIAN (PET)...JOELLE S BAILARD ESQ
MARGUERITE LUCY M AVAKIAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer with proof of service.
3. Petitioner requests "reasonable" bond (unspecified amount) and alleges that the estate value is "TBD." Petitioner is a resident of France. Need verified supplement addressing known estate assets and specific bond request.
4. Attachment 8 to the petition raises the following issues (need verified supplement):
 - a. Petitioner does not include the relationship and age of each listed person as required.
 - b. Petitioner does not list an address for Viola Lucy.
 - c. Petitioner does not list all people named in the will whether deceased or not (e.g., spouse and Oma Capriglione).
5. Spouse was named as primary executor and petitioner was named as alternate along with Oma Capriglione. There is no indication whether the other named co-executor is deceased, declines to act, etc. Need verified supplement.

RECOMMENDATION

Need to clear notes. If approved, court's determination re bond. If approved, set accounting review for **8/17/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000341

CASE NAME: ARVIL C LUCY

SEE ALSO COMPANION FILE ON PREVIOUS PAGE.

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

NATHALIE AVAKIAN (PET)...JOELLE S BAILARD ESQ
ARVIL C LUCY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer with proof of service.
3. Petitioner requests "reasonable" bond (unspecified amount) and alleges that the estate value is "TBD." Petitioner is a resident of France. Need verified supplement addressing known estate assets and specific bond request.
4. Attachment 8 to the petition raises the following issues (need verified supplement):
 - a. Petitioner does not list an address for Viola Lucy.
 - b. Petitioner does not list all people named in the will whether deceased or not (e.g., spouse and Oma Capriglione).
5. Spouse was named as primary executor and petitioner was named as alternate along with Oma Capriglione. There is no indication whether the other named co-executor is deceased, declines to act, etc. Need verified supplement.

RECOMMENDATION

Need to clear notes. If approved, court's determination re bond. If approved, set accounting review for **8/17/11**. Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

(abs)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000346

CASE NAME: MTR OF IRVING ETTINGER

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

D HERSEL WILSON (PET)...PRO/PER
IRVING ETTINGER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Will waives bond.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set accounting review for **8/17/11**.
Accounting to be filed at least 30 days prior. Note Local Rule 20-908 re filing of
bank/investment statements.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600266

CASE NAME: JANET LEE BREUER

SEE ALSO 13

HEARING:
Hearing Re: OSC re: Surcharge/Sanctions

COUNSEL:
JOHN GEORGE BREUER JR (PET)...EDWARD B FISCHER
JANET LEE BREUER (DEC)...
JAMES BRIAN BREUER (MIN)...SANDY L. TURNER

No file available for review.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0600266

CASE NAME: JANET LEE BREUER

VACATED- ACCOUNTING FILED AND IS SET ON 06/22/10.

SEE ALSO 12

HEARING:
Accounting Review

COUNSEL:
JOHN GEORGE BREUER JR (PET)...EDWARD B FISCHER
JANET LEE BREUER (DEC)...
JAMES BRIAN BREUER (MIN)...SANDY L. TURNER

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700838

CASE NAME: MTR OF GORDON W LINT

HEARING:
Hearing Re: STATUS REPORT

COUNSEL:
NORMA J LINT (PET)...JOHN F WEBER
GORDON W LINT (DEC)...
BARBARA KROMMENHOEK (TP)...DIANA J CARLONI
GREGORY LINT (DIANA J CARLONI)...DIANA J C

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting/status review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. prior probate status report was approved on 12/9/09.
2. Need next probate status report or accounting.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700901

CASE NAME: JUANITA COLLIER

HEARING:

Hearing Re: OSC RE: POSTING ADDITIONAL BOND

COUNSEL:

DONNA M TATE	(PET)...
JUANITA COLLIER	(DEC)...
LAWRENCE A DEAN II	(PET)...SHERRI L KASTILAHN
JAMES R COLLIER	(PET)...LAYNE A BARTHOLOMEW
RICHARD RAYMOND COLLIER	(TP)...LAYNE A BARTHOLOMEW
GERALD E COLLIER	(LAYNE A BARTHOLOMEW)...LAYNE A B
JAMES R COLLIER	(LAYNE A BARTHOLOMEW)...LAYNE A B
MELODIE Z SCOTT	(PRO/PER)...PRO/PER

VACATED – ADDITIONAL BOND FILED

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0700922

CASE NAME: LOIS JUNE DOAN

HEARING:

SUMMARY OF Account and Report of LUAWN M. TORRES and Petition
for allowance of fees filed.

COUNSEL:

LUAWN M. TORRES	(PET)...	MICHAEL I BURSTEIN
LOIS JUNE DOAN	(DEC)...	
JOSEPH S. CAUDILL	(PET)...	PAUL H NANKIVELL, II, ESQ
JOSEPH S CAUDILL	(TP)...	TERRENCE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 2/6/08.
2. Petitioner waives compensation.
3. Atty requests \$7,260.86 statutory fees. Calculated.
4. Real property was sold during administration. Need copy of escrow closing statement per Local Rule 20-910.

RECOMMENDATION

RFA subject to note 4. if approved, set hearing re receipts and final discharge for **6/15/11**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800206

CASE NAME: ALEEN RIDGE-COBLE

HEARING:
Accounting Review

COUNSEL:
LARRY PATRICK RIDGE (PET)...DAVID W BROWN
ALEEN RIDGE-COBLE (DEC)...
WELLS FARGO BANK, N.A. (TP)...RORY W CLARK

GENERAL INFORMATION

Continued from 6-29-09, 8/26/09, 2/24/10, 4/7/10. Trying to sell property. On 4/7/10, court instructed counsel to file a written report.

THIS CASE IS SET FOR HEARING ON Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Letters issued 4/22/08, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(kra/vet/abs/kra/smj/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800652

CASE NAME: RICHARD A. MANSKER

HEARING:

PETITION FOR FINAL DISTRIBUTION WAIVER OF Account and Report of
RICHARD E. MANSKER and Petition for allowance of fees filed.

COUNSEL:

RICHARD E. MANSKER (PET)...DAVID BOUCHER
RICHARD A. MANSKER (DEC)...
RICHARD E MANSKER (PET)...CHALLBURG & BOUCHER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 1/21/09.
2. Petitioner is sole beneficiary of will and trust and waives accounting.
3. Petitioner waives compensation.
4. Atty requests \$9,872 statutory fees. Calculated.
5. Need notice of hearing with proof of service for Franchise Tax Board per Pr.C. 9202(c).

RECOMMENDATION

RFA subject to note 5. if approved, set hearing re receipts and final discharge for **6/15/11**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0800942

CASE NAME: CHARLOTTE SARAH YALE

VACATED- ACCOUNTING FILED AND IS SET ON 06/21/10.

HEARING:
Accounting Review

COUNSEL:
DAVID HANSEN (PET)...RITTER & LE CLERE
CHARLOTTE SARAH YALE (DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0801118

CASE NAME: JAMES EDWARD LAMBRIGHT

HEARING:
FIRST AND FINAL Account and Report of GARY LAMBRIGHT and
Petition for allowance of fees filed.

COUNSEL:
GARY LAMBRIGHT (PET)...CAROLYN J SCHAUF.
JAMES EDWARD LAMBRIGHT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 4/13/09.
2. Petitioner itemizes \$755.50 costs advanced but does not request reimbursement in the body or prayer of the petition. Estate is not liquid.
3. Petitioner waives compensation.
4. Atty requests \$4,750 statutory fees. Calculated. To be paid by petitioner.
5. Three of the heirs are minors (ages 12, 10, and 8). The only estate asset is one real property to be distributed in-kind. Petitioner provides letters of guardianship of estate over all three minors by an Angelica Lambright.

RECOMMENDATION

RFA. If approved, set hearing re receipts and final discharge for **6/15/11**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: PRO PS0900148

CASE NAME: FLORENCE EVELYN SMITH

HEARING:

Hearing Re: OSC RE: SANCTIONS FOR FAILURE TO APPEAR / FILE

COUNSEL:

RUSSELL PHILLIP TROZERA (PET)...PRO/PER
FLORENCE EVELYN SMITH (DEC)...

GENERAL INFORMATION

OSC re sanctions set at 5/5/10 accounting review at which there was no appearance.

THIS CASE IS SET FOR HEARING ON

OSC re sanctions (re underlying Accounting Review)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 4/7/09, no bond.
2. No accounting or status report of administration filed. Need same.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: SPR SS06952

CASE NAME: EST OF MARK K WEISSENBERG

HEARING:

THIRD AND FINAL Account and Report of NATHANIEL JOHNSON and
Petition for allowance of fees filed.

COUNSEL:

NATHANIEL JOHNSON (PET)...ROBERTA L. TAYLOR & ASSOCIATES
MARK K WEISSENBERG (DEC)...
INHERITANCE FUNDING COMPANY (TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Third and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 4/7/06.
2. Atty requests \$5,420.93 statutory fees. Calculated.
3. Atty requests \$1,843.15 reimbursement for costs advanced. Itemized.
4. Atty requests \$9,650 extraordinary compensation and additional \$250 costs.
Itemized. Calculated based upon 51 hrs, atty at \$240/hr and paralegal at
\$80/hr. JTD.

RECOMMENDATION

RFA subject to court's determination re fees. If approved, set hearing re receipts and final
discharge for **6/15/11**.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 9:00 DEPT: S34P

CASE#: VPR VS003198

CASE NAME: ESTATE OF BARBARA L SANNE

HEARING:
Accounting Review

COUNSEL:
DONNA G VENTURA (PET)...CALDWELL, KENNEDY & PORTER, A.
BARBARA L SANNE (DEC)...

GENERAL INFORMATION

Continued from 1/13/10 at request of counsel - working on settlement.
Continued from 3/10/10 – waiting for return of waiver.

THIS CASE IS SET FOR HEARING ON Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Probate petition granted 9/29/06, no bond.
2. On 1/23/08 court approved the first probate status report.
3. On 1/28/09, court approved second probate status report.
4. Need accounting or next probate status report.

RECOMMENDATION:

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(abs/smj/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIP**

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: BC BS00010

CASE NAME: IN THE CONSERVATORSHIP OF DONNY DANIEL CHAVIRA

HEARING:
Hearing Re: REVIEW

COUNSEL:
LORRAINE CHAVIRA (PET)...PRO/PER
THOMAS G CHAVIRA (PET)...PRO/PER
DONNY DANIEL CHAVIRA (CEP)...SANDY L. TURNER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Review hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 3/24/10 trial date, court denied petition to terminate conservatorship. Conservatee to check in with Dr. Multani every two or three months and have his levels checked, get weekly counseling, and get bi-weekly injections at Barstow clinic.
2. Court set this review re receipt of report from Dr. Multani and psychiatrist re conservatee's medications. Need same.

RECOMMENDATION
Court's discretion.

(abs)

FUTURE HEARINGS:
10/19/11 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0600080

CASE NAME: JASON MICHAEL NEAS

VACATED- ACCOUNTING FILED AND IS SET ON 07/01/10.

HEARING:
Accounting Review

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
JASON MICHAEL NEAS (CTE)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900012

CASE NAME: ANGELA DENISE CISNEROS

HEARING:
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:
VIRGINIA PARHAM (PCR)...PRO/PER
RUDOLPH DANN CISNEROS JR (PCR)...PRO/PER
ANGELA DENISE CISNEROS (PCE)...

GENERAL INFORMATION

Continued from **3/11/09**. No appearance. Referred to CI. Clerk mailed notice.
Continued from **5/13/09**. Referred to IRC. Clerk's Office to notify IRC. No notice in file.
Continued from **3/24/10**. Court notes IRC report not received and re-refers matter to IRC.
Clerk's office to notify IRC.

Continued from 4/28/10. Court could not determine whether IRC had been notified by clerk's office. Court directed clerk to notify IRC that report is to be filed before next hearing.

THIS CASE IS SET FOR HEARING ON
Conservatorship Case Management Conference

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Limited conservatorship (person only) was granted in Los Angeles County in 1993.
2. Matter was ordered transferred to San Bernardino County on 12/18/08. Conservatee lives in Hesperia, CA.
3. CI report filed.
4. Court referred case to IRC. Need IRC report.

RECOMMENDATION
Need IRC report.

(abs/smj/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900114

CASE NAME: ALEXANDER T. SEGAL

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARK SEGAL

COUNSEL:

MARK SEGAL (PCR)...CHRISTOPHER A POULOS
CINDY FABRICIUS-SEGAL (PCR)...CHRISTOPHER A POULOS
ALEXANDER T. SEGAL (PCE)...NOREEN FONTAINE

GENERAL INFORMATION

Continued from 4/7/10. Court ordered that Mark Segal is to complete conservatorship class and file proof of same by next hearing date or be personally present. Counsel also to be present if no proof filed.

THIS CASE IS SET FOR HEARING ON
Conservatorship Compliance Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Mark Segal and Cindy Fabricius-Segal (parents) appointed ltd. conservators of Alexander Segal on 8/26/09. Ltd. Conservatorship of person only - no bond.
2. Only Cindy Fabricius-Segal has completed conservatorship course. Need proof of completion fo class by Mark Segal?

RECOMMENDATION

Court's discretion.

(smj/abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900158

CASE NAME: VANESSA ANN LARA

SEE ALSO COMPANION FILE ON FOLLOWING PAGE.

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SYLVIA A LARA

COUNSEL:

SYLVIA A LARA (CPE)...PRO/PER
VANESSA ANN LARA (CEP)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Limited conservatorship of person only granted on 11/4/09.
2. Care Plan filed.
3. Court Investigator 6 month report not due – limited conservatorship.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900159

CASE NAME: STEPHANIE HOPE LARA

SEE ALSO COMPANION FILE ON PREVIOUS PAGE.

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SYLVIA A LARA

COUNSEL:

SYLVIA A LARA (CPE)...PRO/PER
STEPHANIE HOPE LARA (CEP)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Limited conservatorship of person only granted on 11/4/09.
2. Care Plan filed.
3. Court Investigator 6 month report not due – limited conservatorship.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: CON PS0900188

CASE NAME: ALICE LANDAU JOHNSON

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of G DAN JOHNSON

COUNSEL:

G DAN JOHNSON (CPE)...CALDWELL, KENNEDY & PORTER, A.
ALICE LANDAU JOHNSON (CEP)...ROBERTA L TAYLOR
G DAN JOHNSON (CPE)...CALDWELL, KENNEDY & PORTER, A.
ALICE LANDAU JOHNSON (CEP)...
WESTERN SURETY COMPANY (TP)...PRO/PER

**CONTINUE MATTER FOR 60 DAYS – CONSERVATORSHIP PETITION WAS NOT
GRANTED, AND LETTERS DID NOT ISSUE, UNTIL 12/15/10.**

FUTURE HEARINGS:

11/03/10 Accounting Review

Civil:Ste100 Crim/Traf:Ste200
CIVPRO Victorville District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00448

CASE NAME: MATTER OF MELISSA ANN MCGARITY

SEE ALSO PAGE 27 IN S33P AT 10:30AM.

HEARING:

Hearing Re: OSC RE: REMOVAL OF CO-CONSERVATOR

COUNSEL:

DIANE RAE GIEBELSTEIN	(CPE)...	STANLEY W HODGE
MELISSA ANN MCGARITY	(CEP)...	SANDRA L TURNER
MICHELLE DUNTON	(CP)...	HODGE & BARTOUMIAN
ANDREW MCGARITY	(CP)...	HODGE & BARTOUMIAN

NO NOTES – MATTER ALSO SET IN DEPT. 33 FOR REPORT OF APPOINTED COUNSEL. COURT SET THIS OSC RE REMOVAL OF MOTHER AS CO-CONSERVATOR BUT THERE ARE NO BRIEFS ON FILE. SEE REPORT OF APPOINTED COUNSEL.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00508

CASE NAME: MATTER OF WILLIAM R CONDOLUCI

HEARING:
Hearing Re: FINAL ACCOUNTING

COUNSEL:

JESSICA M CONDOLUCI (CPE)...CALDWELL, KENNEDY & PORTER, A.
WILLIAM R CONDOLUCI (CEP)...
ANNETTE G DEBELLEFEUILLE (PET)...ANNETTE G DEBELLEFEUILLE
KYLE WOOLDRIDGE (TP)...KYLE WOOLDRIDGE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review re final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second account was approved on 4/14/10 and the court set this accounting review re final accounting (conservatee passed away on 2/2/10).
2. Need final accounting.

RECOMMENDATION

Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00536

CASE NAME: MATTER OF WAYLAND A IRVING

HEARING:
Accounting Review

	COUNSEL:
BRENDA IRVING	(PET)...ROBERTA L. TAYLOR & ASSOCIATES
WAYLAND A IRVING	(CPE)...
ROBERTA L TAYLOR	(TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court approved first conservatorship accounting on 3/26/08, no bond.
2. On 6/3/09 the court approved a status report and set next accounting review.
3. Motion to be relieved as counsel by Roberta Taylor, counsel for conservator, was granted on 12/2/09.
4. Need next accounting.

RECOMMENDATION
Court's discretion.

(abs)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/09/10 TIME: 10:30 DEPT: S34P

CASE#: VC VS00546

CASE NAME: MATTER OF ROBERT CLINTON ELLIOTT

HEARING:

THIRD Account and Report of THE GOOD SHEPHERD FUND/PAMELA D
BENITEZ and Petition for allowance of fees filed.

COUNSEL:

THE GOOD SHEPHERD FUND/PAMELA (PET)...ROBERTA L. TAYLOR
ROBERT CLINTON ELLIOTT (CPE)...ANNETTE G DE BELLEFEUILLE

Currently under review by legal research.